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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,269	09/15/2003	Michael L. Rudd	10010047-1	9020

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EXAMINER	
TO, TUAN C	

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,269	RUDD ET AL.	
	Examiner	Art Unit	
	Tuan C To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-12,15,16,19 and 20* is/are pending in the application.

4a) Of the above claim(s) *21-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-12* is/are rejected.

7)☒ Claim(s) *15,16,19 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis (U.S. 6535243B1) and in view of Wilcock et al. (U.S. 20010017668A1).

Claims 1 and 2:

With respect to claims 1 and 2, the Tullis patent directs to a wireless hand-held digital camera that can be capable to access and store large volumes of digital image data including a transceiver (72) integrated in the hand held digital camera (40) for transmitting and receiving the image data to and from a host computer (10) (Tullis, figure 2, hand held digital camera 40, host computer 10).

Tullis does not disclose the following: a locator being configured to facilitate determining a location of said first identification device, and said identification device configured to store identification information.

Wilcock et al. patent is directed to system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tullis to include the teachings as taught by Wilcock et al. so that one viewer who obtains a plurality of image files may identify each of images files by looking the date, time the images taken, or even the image's owner.

Claim 3:

With regard to claim 3, Tullis discloses the hand-held digital camera (40) having a transmitter (74) and receiver (76) for transmits and receives data from a host computer which is remoted from the hand held digital camera. Said host computer may be a network computer, so the host computer could be located at a service center.

Tullis does not disclose that "image capturing device captures image data corresponding to the location of said first identification device".

Wilcock et al. patent is directed to system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to improve the system of Tullis by substituting the teachings as taught by Wilcock et al. so that one viewer who obtains a plurality of image files may identifies each images file by looking the date, time the images taken, and where the image was taken.

Claims 4 and 5:

With regard to claims 4 and 5, Tullis disclose a display device (68) (Tullis, figure 2, display 68). However, Tullis does not disclose that "display device displays captured image data corresponding to the location of said first identification device to the first user". The reference to Wilcock et al. is directed to system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Tullis and Wilcock et al. so that one viewer who obtains a plurality of image files may identifies each images file by looking the date, time the images taken, and where the image was taken. And said the images files may retrieved via the display device of the camera.

Claim 6:

With respect to claim 6, the Tullis patent directs to a wireless hand-held digital camera that can be capable to access and store large volumes of digital image data including a transceiver (72) integrated in the hand held digital camera (40) for transmitting and receiving the image data to and from a host computer (10) (Tullis,

figure 2, hand held digital camera 40, host computer 10). In addition, in Tullis patent, the hand held digital camera is not limited to a single camera that could be communicated with the host computer. There are at least two digital camera can transmit and receiver data to and from the host computer.

Tullis does not disclose the following: a locator being configured to facilitate determining a location of said first identification device, and said identification device configured to store identification information.

Wilcock et al. patent is directed to system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tullis to include the teachings as taught by Wilcock et al. so that one viewer who obtains a plurality of image files may identify each of images files by looking the date, time the images taken, or even the image's owner.

Claim 7:

With regard to claim 7, Tullis disclose that the image data received from the digital camera (40) are stored in the memory (16) of the host computer (10).

Tullis does not discloses the following: "information associated with the location of said first identification device and identification information corresponding to the first user".

The reference to Wilcock et al. directs to a system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tullis to include the teachings as taught by Wilcock et al. so that one user is allowed to take various pictures of scenery at different locations but not worry about the memory capacity is not enough to store.

Claims 10-12:

With regard to claims 10-12, Tullis discloses that the hand held digital camera (40) is provided for capturing the image data according to the user's request.

Tullis does not disclose that photo system determine the location of the user and enable an image capturing device to acquire image data corresponding to the location of the user"

As discussed above, the reference to Wilcock et al. teaches a system and method for augmenting a set of image recordings, wherein a set of image recordings are taken corresponding to the location data recorded at the location where the images were taken (Wilcock et al., page 1, paragraph 0008). In Wilcock et al. the GPS receiver is taught as a locator device provided for determining the location data as said above. On the other hand, on page 2, paragraph 0028, Wilcock et al. further discloses that each photo taken is being stamped by the location data, which is determined by such the locator. Referring to figure 9 of Wilcock et al., the memory 94 is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tullis to include the teachings as taught by Wilcock et al. in order to provide the accurate data including the pictures taken about a specific region.

Allowable Subject Matter

During the prior art searching, the examiner has found that none of the prior art of record, either alone or in a combination, teaches or suggests the limitations of claims 15, 16, 19, and 20. Thus, said are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

Applicant's amendment and arguments filed on 09/07/2004 have been fully considered but they are not deemed to be persuasive because the cited prior art still read on the limitations as claimed by the applicant. Thus, the previous office action mailed on 05/06/2004 remains unchanged. The following is the reason that makes the application unpatentable.

In response to the applicant that Tullis and Wilcock, either individually or in combination, are legally deficient for the purpose of anticipating and/or rendering obvious the presently pending claims", the examiner has reconsider the application and the art rejection based on the reference of Tullis and Wilcock. But the application would not be patentable over those prior art because Tullis basically discloses a handheld digital camera including a transceiver for transmitting the image data to and from a host computer (Figure 2). The camera of Tullis would be an identification device, having a transceiver which is basically included a transmitter and a receiver. The secondary reference to Wilcock et al. discloses the camera (90) comprising a communication interface (96) compatible with the interface (97) of the cell phone (20). The cell phone (20), is provided with GPS system for determining the location data, transfer the location data to the camera when the button (28) is operated. Thus, the GPS system of cell phone (20) performs the job of determining a location of the camera. Wilcock et al. further discloses that each photo taken by the camera is being stamped by the location

data said above. In figure 9 of Wilcock et al., the memory (94) is disposed within the camera (90) for storing the photo data and also other identification data such as camera ID, user ID, etc. Thus, it is clearly seen from figure 4 of Wilcock et al., the location data plus the identification information of user are held in a database for each photo.

For the reason discussed above, the combination of Tullis and Wilcock et al. would addressing all the limitations as recited in the claims. The application would not be patentable over said prior art.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273.The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

November 23, 2004

THOMAS G. BLACK
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